

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE MIDLAND FUNDING, LLC INTEREST  
RATE LITIGATION

Civil Action No.: 11-cv-8149 (LMS)

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT**

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Joint Motion for Preliminary Approval of Class Settlement, the Declaration of Daniel A. Schlanger dated in Support of Joint Motion for Preliminary Approval of Class Action Settlement dated March 1, 2019, and the exhibits thereto, all other motion papers, and upon all prior pleadings, decisions, and orders in this matter, all parties in the above referenced action, by and through their respective counsel, hereby jointly move this Court for an Order:

- i. Granting preliminary approval of the parties' Class Settlement Agreement (the "Settlement Agreement") as fair, reasonable, adequate, and in the best interests of the Settlement Class;
- ii. Certifying the Settlement Class as defined in the Settlement Agreement;
- iii. Appointing Linda Taylor Gay, Marianne Norelli, Galo Uribe and Rocco Commisso as the Class Representatives;
- iv. Appointing Daniel A. Schlanger (of Schlanger Law Group LLP) and O. Randolph Bragg, (of Horowitz, Horowitz & Associates) as Class Counsel for the Settlement Class;
- v. Approving the parties' proposed Notice and Notice Plan (including the form, content, manner and timing of notice to the settlement class) and authorizing Notice to be distributed in accordance with the Notice Plan;
- vi. Approving KCC, LLC to serve as the class administrator;

- vii. Setting a hearing date for consideration of final approval of the Settlement Agreement pursuant to Fed. R. Civ. P. 23(c)(2) (“the Fairness Hearing”) after the Notice period has expired so that the Court can consider any objections to the settlement; payment by Defendants of Plaintiffs’ attorney’s fees and costs and the proposed incentive payment to each of the Class Representatives; and can approve the Class Settlement;
- and
- viii. Granting such other and further relief as may be just and proper.

Dated: March 1, 2019

/s/ Daniel A. Schlanger

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